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**ERICSSON INC.  
6300 LEGACY DRIVE  
M/S EVW2-C-11  
PLANO, TX 75024**

**MAILED**

**APR 14 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Riaz ESMAILZADEH :  
Application No. 09/525,901 : DECISION ON PETITION  
Filed: March 15, 2000 :  
Attorney Docket No. 019949-001 :  
:

This is a decision on the petition, filed January 13, 2004, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice of Allowance mailed July 15, 2003, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before October 15, 2003. The Notice of Abandonment was mailed November 19, 2003.

Petitioner states that a timely reply was mailed via certificate of mailing on September 11, 2003, which included the following papers: Issue Fee Part B-Fees Transmittal Form PTOL-85 and an authorization to charge Deposit Account 50-1379 the required fees, in the amount of \$1300.00. Petitioner has submitted a copy of the previously faxed correspondence, which bears a USPTO Auto-Reply Facsimile Transmission date of September 11, 2003, which would have rendered the reply timely if received.

Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or

after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of July 15, 2003 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been transmitted by facsimile on September 11, 2003. The issue fee of \$1400.00 will be charged to Deposit Account 50-1379.

This application is being referred to the Office of Data Management for processing into a patent.

*Thurman K. Page*  
Thurman K. Page  
Petitions Examiner  
Office of Petitions

cc: **ERICSSON INC.**  
**6300 LEGACY DRIVE**  
**M/S EVW2-C-2**  
**PLANO, TX 75024**